IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

OP.No. 25313 of 2001(L)

PETITIONER:

KUNNOTH KUYYANDY MOHAMMED, AGED 64 YRS,
VATHUKKAL PRAMBATH HOUSE,
PANNIYANNUR AMSOM, CHAMPAD DESOM,
P.O. CHAMPAD, KANNUR DIST. , KERALA STATE.

BY ADV. SRI.S.ABDUL SALAM

RESPONDENTS:
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1. **THE UNION OF INDIA,**
REP. BY THE SECRETARY,
MINISTRY OF HOME AFFAIRS, NEW DELHI.

2. **THE STATE OF KERALA,**
REP. BY ITS COMMISSIONER & SECRETARY,
HOME (SSB) DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

3. **THE SUPERINTENDENT OF POLICE,**
KANNUR DIST.

4. **THE SUB INSPECTOR OF POLICE,**
PANOOR.

BY ADV. SRI.JAGDEESH LAKSHMAN, ADDL.CGSC
ADV. SRI.K.R.RAJKUMAR, ADDL.CGSC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO. 41213/2001 IN OP NO. 25313/2001 L

DISMISSED

06/06/2007. SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE PANOOR JUMATH DT. 09/08/2001.

EXT.P2. COPY OF THE PETITION DT. 11/08/2001 FILED BY THE PETITIONER U/S. 9(2) OF THE CITIZENZHIP ACT BEFORE THE R1.

EXT.P3. COPY OF THE JUDGMENT DT. 18TH OCT, 1995 IN WA NO. 1309/95 OF THIS COURT.

EXT.P4. COPY OF THE JUDGMENT OF THIS COURT DT. 13TH SEPT, 1999 IN OP NO. 5109/93.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE LETTER NO. 26021/21/2001 IC.I DT. 3/09/2001.

True copy

tga

KURIAN JOSEPH, J.

O.P. NO. 25313 OF 2001

Dated this the 6th day of June, 2007.

J U D G M E N T

This original petition is filed with the following prayers.

> "a) to issue a writ of mandamus or other appropriate writ, direction or order directing the respondents to abstain from arresting and detaining the petitioner in Civil Prison and also from deporting him to Pakistan under the Foreigner's Act.
>
> b) to issue a writ of certiorari or other appropriate writ, direction or order calling for the records relating to the proceedings of the respondents for arrest and deportation of the petitioner and quashing the same.
>
> c) to issue a writ of mandamus or other appropriate writ, direction or order directing the first respondent to consider and dispose of Ext. P2 application on merits and to maintain status quo till its disposal".

2. In case no final orders have been passed on Exhibit P2, there will be a direction to the first respondent to pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this judgment. Interim order in C.M.P. No. 41213/2001 will continue till such time.

This original petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp